

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAJUAN TUCKER,)	
)	
Petitioner,)	
v.)	No. 4:23-cv-978 SEP
)	
RICHARD ADAMS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Before the Court is Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. Doc. [1]. Petitioner is ordered to file an amended petition on a Court-provided form and to file a motion for leave to proceed *in forma pauperis* or pay the filing fee.

DISCUSSION

Petitioner is a pro se litigant in custody at the Eastern Reception Diagnostic and Correctional Center (ERDCC).¹ On July 28, 2023, he filed a handwritten petition for writ of habeas corpus claiming that he is being “held against his will for [an] amount of years.” Doc. [1] at 1. Petitioner claims that in 2003 he was sentenced to prison for five years, but after serving the term he was civilly committed in a Sex Offender Rehabilitation Treatment Services (SORTS) program. *Id.* at 2. Petitioner seems to be seeking release from the SORTS program, but his petition is missing procedural information required for the Court’s review.

The Clerk of Court will send Petitioner a copy of the Court’s 28 U.S.C. § 2254 form. Petitioner must fill out the form in its entirety and return it to the Court. *See* E.D.Mo. L.R. 2.06(A) (“All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms.”). Petitioner should not add any exhibits or attachments to the form.

On the form, Petitioner must make clear what conviction he is challenging. If he seeks release from confinement pursuant to Mo. Rev. Stat. § 552.040, he must show that he exhausted his state court remedies before filing this action. *See Wayne v. Mo. Bd. of Prob. & Parole*, 83 F.3d 994, 996 (8th Cir. 1996) (“The federal habeas statute requires persons in state custody who seek federal habeas relief to first exhaust available state remedies.”).

¹ Petitioner does not explain why he is incarcerated at ERDCC instead of a Missouri psychiatric facility.

Petitioner also did not pay the filing fee or file a motion for leave to proceed *in forma pauperis*. The Clerk of Court will send Petitioner a copy of the Court's motion to proceed *in forma pauperis* form. Petitioner has twenty-one (21) days to amend his complaint and either file a motion to proceed *in forma pauperis* or pay the filing fee. Failure to comply with this Order will result in the dismissal of this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send Petitioner a copy of the Court's 28 U.S.C. § 2254 form.

IT IS FURTHER ORDERED that Petitioner must file an amended 28 U.S.C. § 2254 petition within **twenty-one (21) days** of the date of this Order. The amended petition should not include any exhibits or supplements.

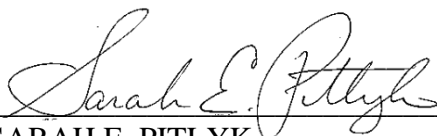
IT IS FURTHER ORDERED that within the amended petition, Petitioner shall explain how he exhausted his state court remedies.

IT IS FURTHER ORDERED that the Clerk of Court shall send Petitioner a copy of the Court's motion to proceed *in forma pauperis* form.

IT IS FURTHER ORDERED that Petitioner shall either submit a motion for leave to proceed *in forma pauperis* or pay the \$5 filing fee within **twenty-one (21) days** of the date of this order.

IT IS FINALLY ORDERED that if Petitioner fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 11th day of September, 2023.


SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE